

146514 9/28/84

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:)	
)	
RIVERDALE CHEMICAL COMPANY)	
Proceeding Under Section 106)	ADMINISTRATIVE ORDER
of the Comprehensive)	ON CONSENT
Environmental Response,)	
Compensation, and Liability)	
Act of 1980)	
)	

The United States Environmental Protection Agency ("U.S.EPA") and Riverdale Chemical Co. ("Riverdale") having agreed to the entry of this Administrative Order On Consent, it is hereby ORDERED AND AGREED that:

I. JURISDICTION

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), 42 U.S.C. §9606(6), and delegated to the U.S. Environmental Protection Agency by Executive Order No. 12316, April 26, 1981, 46 Federal Register 42237, and redelegated to the Regional Administrator by Delegation 14-14 issued April 1, 1983.

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II. FINDINGS

The Regional Administrator, U.S. EPA has determined that:

1. The Riverdale Chemical Co. site (hereinafter "Site") consists of approximately 4 to 5 acres of industrial property and is located at 220 East 17th Street, Chicago Heights, Illinois.

2. Since approximately 1956, the Site has been used, inter alia, for the formulation of various pesticides, herbicides and insecticides. Active ingredients which have been formulated at the Site include, but are not limited to: 2,4,5 - Trichlorophenoxy Acetic acid (2,4,5-T), 2,4 - Dichlorophenoxy Acetic Acid, Silvex as well as various other pesticidal ingredients.

3. Soil samples were collected at the site on April 24, 1984. The results of analysis of these soil samples revealed detectable amounts of 2,3,7,8 - Tetrachlorodibenzo-p-dioxin (2,3,7,8-TCDD) in thirteen on-site samples as well as concentrations of various insecticides including aldrin, dieldrin, chlordane, 4,4-DDT, 4,4-DDE, 4,4DDD, heptachlor and toxaphene. Soil sample analyses included the following highest concentrations:

2,3,7,8- TCDD	364 ppb
aldrin	250,000 ppb
dieldrin	79,000 ppb
chlordane	1,100,000 ppb
4,4 DDT	4,700 ppb
heptachlor	190,000 ppb
toxaphene	160,000 ppb

The foregoing are "hazardous substances" as defined in Section 101(14) of CERCLA.

4. 2,3,7,8-TCDD is a toxic chemical, known to be associated with the chemical manufacture of herbicides formulated with Silvex and 2,4,5-T (both of which have been used

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at the Site). Because of the remarkable stability of 2,3,7,8-TCDD in biological systems and because of its toxicity, cumulative effects of even small doses present major concern. 2,3,7,8-TCDD, aldrin, dieldrin, chlorodane, 4,4 DDT heptachlor and toxaphene may have adverse effects on health.

5. The Site is a "facility" as defined in Section 101(9) of CERCLA;

6. Respondent is a "person" as that term is defined in Section 101(21) of CERCLA;

7. "Hazardous substances" including 2,3,7,8 TCDD as defined by Section 101(14) of CERCLA have been detected in soil samples at the Site;

8. The presence of these hazardous substances in the soils at the Site constitutes a "release or threat of release" as that term is defined in Section 101(22) of CERCLA, which may present an imminent and substantial endangerment to public health or welfare of the environment;

9. Respondent is a "responsible person" within the meaning of Section 107 of CERCLA;

10. The actions to be taken pursuant to this Consent Order are reasonable and necessary to protect the public health or welfare and the environment.

11. There may be an imminent and substantial endangerment to the public health or environment from an actual or threatened release of hazardous substances from the facility as follows:

- a) risk of exposure to adjacent businesses and residences from wind-blown and rain runoff transmission of 2,3,7,8 - TCDD - laden soil from exposed soil;
- b) risk of transmission of 2,3,7,8 - TCDD - laden soil in the course of operational activities.

111. CONSENT

Respondent agrees to undertake the tasks set forth in this Administrative Order On Consent and agrees that the Regional Administrator has jurisdiction over this matter and authority to issue this Order. Respondent consents to issuance of this Order without admission of any fact and without admission of liability under CERCLA or any other state or federal law.

IV. ORDER

The parties having AGREED to the terms hereof, it is hereby ORDERED as follows:

A. Immediately upon issuance of this Order, Respondent shall ensure that its employees are equipped with, and use, suitable work clothes. Within 7 days from issuance of this Order, Respondent shall submit to U.S.EPA for approval a statement of procedures to be implemented by Respondent to prevent exposure of employees to dioxin contaminated soil.

B. Immediately upon issuance of this Order, Respondent shall rope off the area marked on the map attached hereto

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as Exhibit A and post thereon a "Keep Out" sign and otherwise ensure that no one traverses said area.

C. Immediately upon issuance of this Order, Respondent shall take all reasonable measures to restrict use in the shaded areas marked on the map attached hereto as Exhibit A, except such use as is necessary to inspect existing tank storage areas. The foregoing shall include posting notices in and about the plant site advising that access to said area is restricted and prohibiting vehicular traffic in said area. Any such inspection shall be conducted so as to avoid areas of 2,3,7,8 - TCDD contamination. Notwithstanding the foregoing, Respondent may utilize the area immediately behind Building 1 as marked on the map attached hereto as Exhibit A for loading and unloading purposes, provided that, after each such use, Respondent shall inspect said area to ensure that exposed soil remains covered with at least 6" of crushed limestone as is required by subparagraph D below and shall add additional crushed limestone as is necessary to comply with the requirements of subparagraph D.

D. Within 30 days of the issuance of this Order, Respondent shall cover all areas of exposed soil in the shaded areas marked on the map attached hereto as Exhibit A. Respondent shall comply with this requirement by covering said area with a tarp or other material sufficient to prevent transmission of the soil by wind or or rain or by placing approximately 6" of crushed limestone on said area. The tarp or other covering referred to in the preceeding

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sentence shall be of high-quality, shall be undamaged and shall be secured in such manner as to ensure effectiveness in adverse weather conditions (e.g., high-wind, heavy rain etc.).

In undertaking the requirements of this paragraph, Respondent shall comply with the following:

- 1). Prior to any field work, all exposed soil should be misted as a dust-control measure;
- 2). The work should be performed only on days of little or no wind;
- 3). The work should be done so as to minimize equipment moving over contaminated soil. This would mean, for example, that in laying crushed limestone a "dump and push" method should be used so that equipment will be working over limestone that has previously been laid;
- 4). All workers should wear disposable protective clothing.

E. Within 20 days after receipt of written notification of completion of the requirements of Paragraphs B, C and D of this Order, U.S..EPA shall inspect the Site, and shall provide Respondent with a statement that the terms of Paragraphs B, C and D have been complied with to the date of said inspection or a statement specifying the areas of noncompliance, as the case may be.

F. The work to be performed pursuant to this Order is intended solely to abate as expeditiously as possible any potential immediate threat to health by airborne or surface transmission of contamination. U.S. EPA specifically does not waive its right to require Respondent to move and/or dispose of the covering referred to in Paragraph D above.

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G. Respondent shall consult with U.S. EPA representatives in accordance with Paragraph K hereof in connection with the work to be performed hereunder. Respondent shall provide access to the facility to U.S. EPA and its representatives in connection with the Order and shall permit such persons to be present and move freely in the area to monitor the work required hereunder and take other necessary action. Respondent shall provide at least 5 days notice of all field activities hereunder to the representative designated in Paragraph K below.

H. The provisions of this Order shall be binding on Respondent, its successors, and assigns. Respondent shall be responsible for ensuring that its agents, contractors, consultants and other persons acting on its behalf comply with the terms of this Order.

I. Nothing contained in this Order shall affect any right, claim, or cause of action of any party hereto with respect to third parties.

J. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order or from taking other administrative, legal or equitable action as it deems appropriate and necessary, or from requiring Respondent in the future to perform additional activities pursuant to CERCLA or any other applicable law. Nothing herein shall restrict the right of Respondent to raise any administrative, legal or equitable claim or defense with respect to such further action which U.S. EPA may seek to require of Respondent.

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K. U.S.EPA designates Neil Meldgin as On-Scene Coordinator (OSC) in connection with all activities to be conducted hereunder. The OSC shall have the authority vested in an on-scene coordinator by 40 C.F.R. Part 300(1983) in connection with all such activities. All notices and other communications with respect to this Order shall be directed to Neil Meldgin, On-Scene Coordinator at the following address:

Director, Waste Management Division
U.S. EPA, Region V
230 S. Dearborn Street
Chicago, Illinois 60604
Attn: Neil Meldgin
Remedial Response Branch (5HR-13)

L. Respondent agrees not to make any claim pursuant to Section 112 of CERCLA against the Hazardous Substance Trust Fund for expenses related to the activities required hereunder, and nothing in this Order shall be construed as an authorization for such claim.

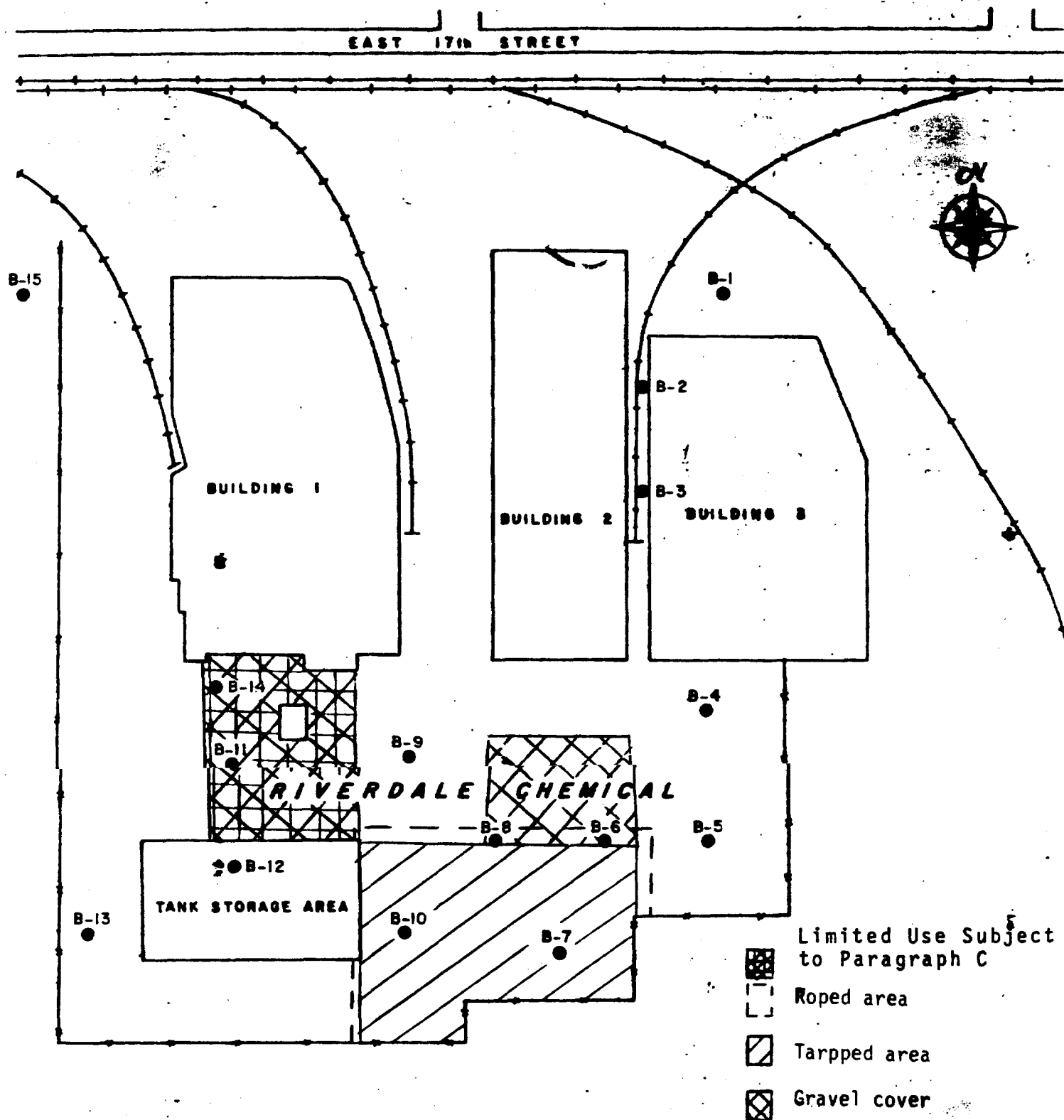
M. This Order shall be effective upon issuance.

AGREED TO:

RIVERDALE CHEMICAL CO.

BY: Michael J. Champion

DATE: September 25, 1984



**SOIL SAMPLE LOCATIONS AT
RIVERDALE CHEMICAL CO., CHICAGO HEIGHTS, ILLINOIS**

EXHIBIT A